

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2021-168-S - ORDER NO. 2021-644
SEPTEMBER 30, 2021

IN RE: Petition of the Office of Regulatory Staff)	ORDER APPROVING
Requiring Condor Environmental,)	WASTEWATER PASS-
Incorporated to Verify Authorized Rates and)	THROUGH CHARGES
Charges)	NUNC PRO TUNC

This matter comes before the Public Service Commission of South Carolina (“the Commission”) on the Motion to Approve Rates *Nunc Pro Tunc* and to Approve Pass-Through Rates for Rose Hill Subdivision, filed by Condor Environmental, Inc. (“Condor” or “the Company”). This Docket originated through a Petition filed by the Office of Regulatory Staff (“ORS”) to require Condor to Verify Authorized Rates and Charges for the Rose Hill and Caledonia Subdivisions in Anderson County, South Carolina (“Rose Hill” and “Caledonia,” or “Subdivisions”). Condor provides sewer service to both Subdivisions.

Condor and ORS reached an agreement to resolve the dispute, and Condor subsequently filed on June 21, 2021, a request that this Commission issue an order that:

- A. Approved refunding \$555.00 to Caledonia, and \$5,502.00 to Rose Hill plus simple 8.5% interest in two equal monthly installments;
- B. Approved past charges for both subdivisions *nunc pro tunc*;

C. Allowed Condor to pass through future increases
of the wastewater wholesale fee (WW Fee) in Rose Hill
according to the terms approved by the Commission in Order
2016-74 for Caledonia.

This Commission issued an order (Order No. 2021-502) ordering the refunds, requiring Condor to provide proof of those refunds within thirty (30) days and holding Condor's other requests for relief (B and C above) in abeyance, pending ORS' completion of its audits and verifications of Condor's billing summaries. ORS subsequently filed notification that it had completed its audits and verifications of Condor's billing summaries. Condor also filed proof of the issuance of the first and second refund installments.

Condor now moves that the Commission issue an order approving past charges for both Subdivisions *nunc pro tunc*, and allowing Condor to pass through future increases of the WW Fee (wastewater wholesale fee) in Rose Hill according to the terms approved by the Commission in Order No. 2016-74 for Caledonia.

ORS filed a clarification letter, stating that the approval of past charges should be only for WW Fees (which are wastewater wholesale fees) in Rose Hill and Caledonia *nunc pro tunc*. We agree with this clarification, and state that the request for approval of past charges should only be considered for the WW Fees.

First, ORS does not object to the modified request of Condor as stated above. Second, Condor states in their filed document dated June 21, 2021, that although WW Fee increases were unnoticed and unapproved in Rose Hill and Caledonia, Condor did not

profit from these charges, and that the charges merely reflected the charges from Easley Combined Utilities (“ECU”) which were paid by Condor. Further, Condor applies for permission to pass-through ECU’s charges without markup in the Rose Hill Subdivision for new adjustments under the same conditions granted by the Commission in Order No. 2016-74 for the Caledonia Subdivision, to wit: “Condor shall furnish [the] Commission and ORS with satisfactory proof of the basis for the adjustment and the billing method utilized prior to the proposed effective date. The Company shall furnish written notice to the Company’s customers affected by the adjustment thirty days prior to the proposed implementation of the new adjustment and advise them of the basis for the billing adjustment and its effective date.”

After due consideration of the requests, the Commission holds that they should be approved, with the requested modification proposed by ORS.

FINDINGS OF FACT

1. Condor provides sewer service to the Rose Hill and Caledonia Subdivisions in Anderson County, South Carolina.
2. Condor charged unapproved WW Fees (wholesale fees) to their customers in the Subdivisions without markup, which were subsequently paid to the wholesale service provider, Easley Combined Utilities.
3. Condor requests that the past WW Fees in the two Subdivisions be approved *nunc pro tunc*.

4. Condor also requests that in the future, such charges for the Rose Hill Subdivision be collected under the same terms granted by the Commission in Order No. 2016-74 for the Caledonia Subdivision for new adjustments.

5. The Office of Regulatory Staff does not object to the Condor requests.

CONCLUSIONS OF LAW

1. The past collected WW Fees in the Rose Hill and Caledonia Subdivisions should be approved *nunc pro tunc*. The fees were collected without markup and were paid to the wholesale service provider by Condor.

2. In the future, the WW Fees in the Rose Hill Subdivision should be collected under the same terms granted by the Commission in Order No. 2016-74 for the Caledonia Subdivision for new adjustments. Condor shall furnish the Commission and ORS with satisfactory proof of the basis for the adjustment and the billing method utilized prior to the proposed effective date. The Company shall furnish written notice to the Company's customers affected by the adjustment thirty days prior to the proposed implementation of the new adjustment and advise them of the basis for the billing adjustment and its effective date.

ORDERING PARAGRAPHS

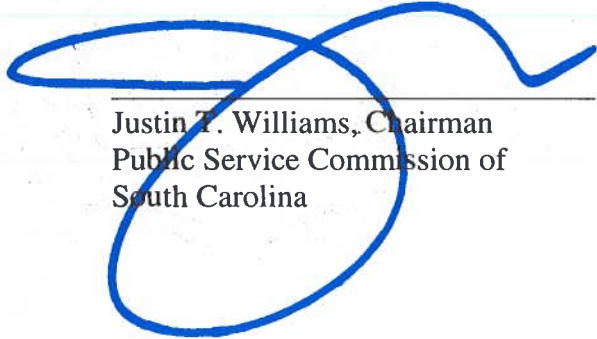
1. The past collected WW Fees in the Rose Hill and Caledonia Subdivisions are approved *nunc pro tunc*.

2. In the future, the WW Fees in the Rose Hill Subdivision shall be collected under the same terms granted by the Commission in Order No. 2016-74 for the Caledonia Subdivision for new adjustments. Condor shall furnish the Commission and ORS with

satisfactory proof of the basis for the adjustment and the billing method utilized prior to the proposed effective date. The Company shall furnish written notice to the Company's customers affected by the adjustment thirty days prior to the proposed implementation of the new adjustment and advise them of the basis for the billing adjustment and its effective date.

3. This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:



Justin T. Williams, Chairman
Public Service Commission of
South Carolina